



## TRUCKS TRANSPORTING HAZARDOUS MATERIALS

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### Who is a "motor carrier" for purposes of California Highway Patrol (CHP) regulation?

According to Vehicle Code (VC) Section 408, a motor carrier is the registered owner, lessee, licensee, or bailee of any vehicle set forth in VC Section 34500, who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis. In some cases, a person becomes a motor carrier solely because that person transports hazardous materials as defined in federal or state laws. Section 34500 lists the following vehicles and combinations of vehicles [emphasis added in subdivision (g)]:

- (a) *Motortrucks of three or more axles that are more than 10,000 pounds gross vehicle weight rating.*
- (b) *Truck tractors.*
- (c) *Buses, schoolbuses, school pupil activity buses, youth buses, and general public paratransit vehicles.*
- (d) *Trailers and semitrailers designed or used for the transportation of more than 10 persons, and the towing motor vehicle.*
- (e) *Trailers and semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with vehicles listed in subdivision (a), (b), (c), or (d). This subdivision does not include camp trailers, trailer coaches, and utility trailers.*
- (f) *Any combination of a motortruck and any vehicle or vehicles set forth in subdivision (e) that exceeds 40 feet in length when coupled together.*
- (g) **Any truck, or any combination of a truck and any other vehicle, transporting hazardous materials.**
- (h) *Manufactured homes which, when moved upon the highway, are required to be moved under a permit as specified in Section 35780 or 35790.*
- (i) *A park trailer, as described in subdivision (b) of Section 18010 of the Health and Safety Code, which, when moved upon a highway, is required to be moved under a permit pursuant to Section 35780.*
- (j) *Any other motortruck not specified in subdivisions (a) to (h), inclusive, or subdivision (k), that is regulated by the Public Utilities Commission or the Interstate Commerce Commission, but only for matters relating to hours of service and logbooks of drivers.*
- (k) *Any commercial motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or any commercial motor vehicle of any gross vehicle weight rating towing any vehicle described in subdivision (e) with a gross vehicle weight rating of more than 10,000 pounds, except combinations including camp trailers, trailer coaches, or utility trailers. For purposes of the subdivision, the term "commercial motor vehicle" has the meaning defined in subdivision (b) of Section 15210.*

### Who is a "motor carrier of property" in California?

Vehicle Code Section 34601 says [material in brackets is added for clarity]:

- (a) *As used in this division, "motor carrier of property" means any person who operates any commercial motor vehicle as defined in subdivision (c). "Motor carrier of property" does not include a household goods carrier, as defined in Section 5109 of the Public Utilities Code, a household goods carrier transporting used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, persons providing only transportation of passengers, or a passenger stage corporation transporting baggage and express upon a passenger vehicle incidental to the transportation of passengers.*
- (b) *As used in this division, "for-hire motor carrier or property" means a motor carrier of property as defined in subdivision (a) who transports property for compensation.*
- (c) (1) *As used in this division, except as provided in paragraph (2), a "commercial motor vehicle" means any self-propelled vehicle listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500 [quoted above], any motor truck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation.*  
(2) *"Commercial motor vehicle" does not include vehicles operated by household goods carriers, as defined in Section 5109 of the Public Utilities Code, vehicles operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code, or pickup trucks as defined in Section 471, two-axle daily rental trucks with gross vehicle weight ratings less than 26,001 pounds when operated in noncommercial use or a motor truck or two-axle truck tractor, with a gross vehicle weight rating of less than 26,001 pounds, used solely to tow a camp trailer, trailer coach, fifth-wheel travel trailer, or utility trailer. Vehicle combinations described in this paragraph are not subject to Sections 27900, 34501.12, and 34507.5.*
- (d) *For purposes of this chapter, "private carrier" means a motor carrier of property, as defined in subdivision (a), who does not transport any goods or property for compensation.*

[NOTE: The last sentence of subdivision (c)(2) is incorrect, but is quoted here verbatim. As of the publication date of this information sheet, the Legislature was in the process of correcting the error. Readers are advised to consult the current edition of the Vehicle Code for the correction.]

### I have a pickup truck which I use to transport janitorial supplies. Is my vehicle subject to the CHP safety regulations? I do not transport anything commercially or for hire.

It could be, but whether you transport property for hire or not is not the determining factor. Many janitorial supplies are chemicals which are classed as hazardous materials by the U. S. Department of Transportation. Some are flammable, some are corrosive, some are oxidizers, and so on. Look for diamond-shaped (square on point) colored labels on your cans, barrels, cylinders, tanks, drums or other packagings. Those are hazard warning labels. Any material required to be labeled that way is highly regulated when transported. If your business involves transporting those packages or picking up the empty containers for return, you are subject to at least some of California's motor carrier safety regulations and hazardous materials transportation regulations. There are also materials which are not required to have hazard warning labels, but when transported still cause you to be subject to certain safety regulations. When in doubt, contact the CHP and ask to speak with an officer who specializes in hazardous materials transportation matters, or to a CHP Motor Carrier Specialist, either of whom can provide the specific answers you need.

**What about the CHP's inspection program known as "BIT?" If I only rarely transport a placardable amount of hazardous materials in my truck, do I have to participate in BIT?**

Yes. If you can arrange your loads in such a manner that you *never* transport hazardous materials in quantities requiring placards (1001 lbs. for most materials, any amount for certain high-hazard materials) and you never transport hazardous materials in quantities that require you to possess a valid hazardous materials transportation license issued by the CHP (1001 lbs. for most materials, 500 lbs. for certain materials when transported for a fee or as a delivery service, or any amount for certain high-hazard materials), then you will not be subject to the BIT program when all you operate are pickups. Remember, the key word is *never*. Just one trip changes everything. Also, cargo tanks are a different matter—those containers are regulated equipment even when transporting only residue of hazardous materials.

**Do I have to get a CA number from the CHP, and display it on both sides of my truck?**

This question refers to the California carrier identification numbers issued by the CHP to all motor carriers, and all motor carriers of property (a separately-defined group) who operate in California, for the purpose of automating the CHP's records of inspections and on-highway safety experience information. Any truck that is used to transport hazardous materials in quantities requiring the display of hazard warning placards on the truck, or requiring the organization that directs the operation of the truck to possess a hazardous materials transportation license, must display a California carrier identification number unless it is already displaying a valid **Cal-T number** issued by the California Public Utilities Commission (used household goods carriers only), an **MC number** issued by the former Interstate Commerce Commission (now the Surface Transportation Board, an office of the U. S. Department of Transportation) or a **USDOT number** issued by the U. S. Department of Transportation. Note that the requirement to have a CA number and the requirement to display it are two different things—many persons are not required to display their CA number for the reasons just discussed, but they are required to *have* one. If you need a CA number, you may obtain an application from any CHP office—it is called CHP 362, *Motor Carrier Profile*. Internet users may print out a copy of the application from <http://www.chp.ca.gov>, under Publications, Forms. If by the time you read this that web page has moved, use a search utility to find references to “motor carrier profile” as a search term.

**Do I have to put my name and address on both sides of my truck?**

If you transport property for hire in any truck, operate any vehicle listed in VC 34500, or transport hazardous materials in quantities requiring the truck to display hazard warning placards, you must display your company name (which could be simply your personal name, if you are operating regulated vehicles as an individual without a fictitious business name) on both sides of the vehicle, or if towing a trailer, on at least one vehicle in the combination of vehicles. The name must be large enough to be clearly legible from a distance of 50 feet in normal daylight. California laws and regulations do not require the address to be displayed, but if you are subject to the Federal Motor Carrier Safety Regulations, you should check with your local office of the Federal Motor Carrier Safety Administration for marking requirements that apply to your vehicles. That agency is listed in the government pages of your telephone book under “United States Government Offices.”

**Do I have to stop at the scales operated by the CHP?**

The drivers of all commercial vehicles must stop at the scales when signs direct them to do so. Most pickups are registered commercially, and are therefore commercial vehicles. However, the officers at the scales may post signs that allow you to pass the scales without stopping. For example, if a sign is posted near the approach to the scales that says “No Pickups,” then you do not have to stop. If a sign stating “Loaded Trucks Stop at Scales” is posted, and neither your truck nor any trailer you may be towing are carrying anything in their cargo areas, then you do not have to stop.

**Is there anything else I need to know to operate my truck legally in California?**

If your truck has a gross vehicle weight rating (GVWR) of more than 10,000 lbs., you may need to know about the Motor Carrier Safety Improvement Act of 1996, because your truck or your activities may cause you to be defined as a motor carrier of property now, even though you were not defined as a motor carrier of any kind under California law before. By definition, “motor carrier of property” includes some truck operators whose trucks were not formerly regulated. It also includes *any* motor vehicle when used to transport any property for hire, including courier services. It was this act of the Legislature that created the definition of “motor carrier of property” shown on page 1 of this form. Excluded are trucks that are not subject to registration fees (government, special mobile equipment, etc.).

Except for carriers of used household goods, (moving and storage companies), there is no longer a distinction between for-hire trucking companies and private truck users (those who use trucks as an incidental part of another activity or business), except that for-hire trucking companies will pay a statewide Uniform Business License Tax (UBLT) fee, and private motor carriers will not (they pay local taxes instead). Also, many persons who have one or more trucks are now regulated as private motor carriers of property even if their trucks are operated for personal purposes other than in the furtherance of a business. For full details on whether your use of one or more trucks causes you to be subject to the Motor Carrier Permit program, contact the CHP at (916) 445-1865, or the DMV at (916) 657-8153.

To apply for a Motor Carrier Permit, contact the DMV at (916) 657-8153. Internet users may print a copy of the application form, DMV 706, *Application for Motor Carrier of Property Permit*, at <http://www.dmv.ca.gov/forms>.

ABOUT THIS INFORMATION SHEET: The information contained in this sheet is not a complete treatment of its subject, and is intended solely to advise persons who transport hazardous materials that there are specific federal and state laws and regulations governing such transportation. Persons who transport such materials are obligated to learn what California requirements apply to their transportation operations, and to keep current with changes in laws and regulations as they occur. In addition to statewide laws and regulations governing the transportation of hazardous materials, county and city governments may establish local ordinances governing the manufacture or storage of specific materials within their jurisdictions.